

## **MEETING #30 June 4**

At a Joint Meeting of the Madison County Board of Supervisors on June 4, 2008 at 7:30 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman, Eddie Dean  
James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
Bob Miller, Member  
Clark Powers, Member  
V. R. Shackelford, III, County Attorney  
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated that all members are present.

Chairman, Eddie Dean provided an overview of the final phase of tonight's meeting and stated the following cases would be discussed tonight:

Case SP-12-06-68, which is a request by Richard R. or Lucy J. Hastings for a site plan to allow model home sales and display area. This property is located on Routes 231 and 643 at Etlan and contains 2.00 acres of land (recorded in 1949), zoned Conditional Business, B-1. (Variance for front setback was denied by the Madison County Board of Zoning Appeals on December 18, 2006 and July 16, 2007).

Mr. Baumgardner was present on behalf of the applicant and stated tonight's sketches that have been provided denote parking spaces, existing entrances, and a request for a waiver of the site plan regarding the 2 commercial entrances are being asked for from the Planning Commission and Board of Supervisors.

Rodney Lillard asked if moving the log structure would satisfy the setbacks, to which Mr. Baumgardner stated it would and also any pending litigation.

Rodney Lillard asked if there was any chance of increased traffic as a result of the modifications to the structure, to which Mr. Baumgardner stated "no."

Pete Elliott stated that he inquired as to how many model homes the previous owner sold over the past few years – he was informed there were only four (4) sold; therefore, he doesn't anticipate there will be an increase in traffic as a result of tonight's request; he also stated the model homes have been relocated behind the main structure.

Rodney Lillard also concurred in that he doesn't see where the changes to the existing property will generate any significant increase in traffic; therefore, he is also disappointed with the requirements being sought on behalf of the Virginia Department of Transportation (i.e. site plan for 2 commercial entrances) as the actual use will not produce any change.

Mr. Baumgardner stated that an existing entrance will be used at the site (non-commercial) where the parking area has been designated as required; he also advised that a waiver is being sought from the Board of Supervisors for Virginia Department of Transportation requirements.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the site plan request is approved as recommended by the Madison County Planning Commission with the waiver for the two (2) commercial entrances, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-01-08-05, which is a request by William W. Sanford for an indefinite special use permit to allow Community Wireless Structures, II, LLC to extend the existing 180 foot (180') monopole fifteen feet (15') to a total height of 195 feet (195') plus lightning rod. The extension is to accommodate an installation for Verizon Wireless. This property is located on Route 15 near Locust Dale and contains 297.264 acres of land, zoned A-1.

John "Butch" Davies was present on behalf of the applicant; he advised this particular case has been before the Madison County Planning Commission before and all criteria has been completed and provided to the Zoning Office (i.e. revised letter) which contains changes as requested by V. R. Shackelford, III, County Attorney. He also stated there are two (2) applications on tonight's docket (Verizon Wireless & Virginia Broadband) in reference to the monopole.

V. R. Shackelford, III, County Attorney, stated that some minor changes were requested with regard to Condition #3 and #6 (documents provided).

Bob Miller asked for an overview to be provided to the Board and citizens as to why a limit of 180 feet was approved and placed on this particular tower.

John “Butch” Davies stated the tower was painted in order to blend in with the trees and sky when it was erected; he acknowledged the intent was to keep the height in correlation with the height of the trees; he advised if one looks at the tower in passing, the top is painted lighter so it blends with the sky and the extension was painted lighter (visual concerns).

Bob Miller asked if the visual concerns have changed for the community, to which John “Butch” Davies advised that he has not heard any comments or opposition, although the original meeting was with a relatively large number of individuals; however, the response was more limited with regard to tonight’s application.

Bob Miller asked what type of coverage is gained by the fifteen feet (15’).

Tam Murray of Community Wireless Structures was present and stated the tower was developed to the height that would allow for collocation of two to four carriers; he also stated when Verizon Wireless approached this case, there was an existing structure which was studied and determined to need additional height. In closing, he advised that Verizon Wireless is trying to connect further south to this tower and north to another site located “midway” in Culpeper County, and up Route 230 to the Brockman site.

Billy Hill was present and stated he lives just a little ways from the existing tower and he questioned the fifteen feet (15’) size increase as the tower sits on a high hill; he advised there is adequate coverage for his Alltel service; however, he feels that a lot is being done to accommodate Verizon – he stated that Verizon service overrides one-third of the cellular telephone calls he currently receives and wonders why an additional fifteen feet is being sought.

Bob Miller read an excerpt from the County’s Comprehensive Plan (page 80 “Communication & Utilities”) with regard to the County having some means to look at the view shed issue as it pertains to cellular towers”

Objective #1

“To assure the actions of public regulated energy, gas transmission or distribution companies and communications companies, including cable television companies, are consistent with, and supportive of the County’s Comprehensive Plan.

Objective #2

“To minimize the intrusion of utility facilities on the scenic quality of Madison County

In closing, Bob Miller advised that he is opposed to the extension of this tower based on the fact there has been an enormous amount of time utilized when this request was first approved when the height was first sought at 180 feet; he stated there has been another request for an extension of a tower that was denied.

James L. Arrington asked if the applicant could provide some input as to the consequence(s) to coverage in this area if the requested extension is not approved.

Steve Blaine advised that he would not be able to provide such information; however, as consumers for this service, there will be gaps and citizens will experience dropped calls. He stated this issue has been studied and it has been determined that the existing height isn’t adequate. In closing, he stated the tower does sit on a hill, but this isn’t a stand-alone tower as cellular towers hand off to each other and is a network of sites. Additionally, he stated that 65 feet of the tower is colored to blend into the trees and the existing height blends in with the sky; he doesn’t feel that an additional fifteen feet will be noticeable to many who pass by.

After discussion, Bob Miller motioned for the denial of the indefinite special use permit request based on the objectives denoted in the Madison County Comprehensive Plan.

**\*MOTION DIED DUE TO A LACK OF A SECOND\***

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, for an additional fifteen feet (15’), with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Nay
Clark Powers	Aye

Bob Miller stated it seems the purpose of providing service to this cell tower is to provide coverage along the roadway; however, in principle, he advised that he is objecting to providing uninterrupted coverage along the roadway simply because he feels it is extremely dangerous for people to talk on the cell phones while driving.

Case Number SU-01-06, which is a request by Robert Phillip or Joycelene H. Brockman for an indefinite special use permit to allow Community Wireless Structures, III, LLC to erect a 199 foot telecommunications structure. A 60' x 80' area will be fenced in. The telecommunications tower will accommodate antennas and associated wiring and cabling for cellular, PCS and paging services. This property is located off Route 621 near Radiant and contains 100.661 acres of land, zoned A-1. This request has been approved by the Virginia Department of Transportation.

John "Butch" Davies was present on behalf of the applicant and asked approval of tonight's request; he advised that all concerns have been addressed at previous Madison County Planning Commission work sessions.

V. R. Shackelford, III, County Attorney, stated that a section of condition #16 (before the comma) should be deleted as requested.

Jacquelyn Eisenberg verbalized concerns with regard to the view shed.

John "Butch" Davies verbalized the positives of having the telecommunications structure in Madison County with regard to educational benefits which are in line with the contents of the County's Comprehensive Plan.

Jacqueline Eisenberg also verbalized concerns regarding the requested height (199 feet), to which John "Butch" Davies stated there are two (2) views to this issue.

Beth Pastore was present and suggested the County develop some type of policy with regard to cell towers; she also read a letter (provided copies to the Commission) with regard to guidelines denoted in the County's Comprehensive Plan for cellular and telecommunications towers. She also advised the reason for requesting 199 foot towers is due to the fact the FCC doesn't require warning lights for this size structure.

Bob Kane was present and questioned the cost of erecting telecommunications towers and also disassembling said towers; he also asked why the

County doesn't have a performance bond in place to provide for the deconstruction of towers when they are no longer needed and whether this will be considered.

David Jones provided an overview of the cost difference between construction of an eighty foot (80') pole versus a 199 foot (199') pole (i.e. \$40,000.00).

Robert Finks stated the FCC has mandated the County's radio system be "narrow banded" – therefore, he has been working with the radio engineers and looking at future usage; he stated this particular tower is of significant interest because of the Route 15 corridor where there is presently very poor radio coverage for fire, rescue and law enforcement. He stated that several scenarios have been utilized and it appears the best scenario to date will require collocation of communications on this tower with the still antennas. In closing, he stated the County's Ordinance allows for collocation on this particular tower as this will eliminate the interference presently experienced by the mountains at Elly Road.

Steve Blaine was present and advised the cost of disassembling a tower is minimal and quotes received have ranged from \$10,000.00 to \$15,000.00 (i.e. crane usage) – he stated he has seen an incredible stair step in the cost of steel which is driven by the worldwide demand that exists in China and Brazil and concurred with the figure of \$40,000.00 as provided by David Jones for disassembling. In closing, he stated he felt if someone abandoned one of these structures, there would be about \$40,000.00 to \$80,000.00 worth of steel standing there and that would be a tremendous incentive to disassemble the steel and sell it as scrap metal. He stated that a monopole consist of about 17,000 pounds of steel. Additionally, he stated if Verizon is the tenant, they are obligated as such to remove the structure from the landowner's property if it goes out of service and also obligated for the approval conditions to disassemble the structure also.

Steve Blaine stated the wireless industry in the United States is investing \$20 billion a year in earth based technology and have been doing this year after year and will continue for quite some time; he stated there are people who believe that wireless will disappear, however, he feels there will be a need for earth based network for quite some time.

Rodney Lillard stated the County has been talking about shorter towers for quite some time, and is currently in the process of compiling a rough draft for a new

Telecommunications Ordinance; there has been much talk about everyone wanting quality cellular coverage for quite some time and this has become a very popular issue. He spoke of a recent personal situation that he experienced and also touched on the fact that he didn't realize how much emergency services personnel depend on cellular telephones during their course of work.

Bob Miller referenced the visual impact the cell tower would have on Madison County with regard to the size of the tower as referenced in the County's Comprehensive Plan (Page 80 "Communications & Utilities").

Chairman, Eddie Dean asked if a height location has been secured for the use on this tower.

Robert Finks stated that he conversed with a representative tonight, to which Steve Blaine of Verizon Wireless advised that Madison County's objectives for this tower will be met accordingly.

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the indefinite special use permit is approved as recommended by the Madison County Planning Commission to include amending Condition #16 (as attached), with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Nay
Clark Powers	Aye

Case Number SP-01-08-07, which is a request by Robert Phillip or Joycelene H. Brockman for a site plan to allow Community Wireless Structures, III, LLC to construct a 199 foot telecommunications structure and to construct one-story equipment buildings within a 10,000 square foot area. A 60' x 80' area will be fenced in. The telecommunications tower will accommodate antennas and associate wiring and cabling for cellular PCS and paging services. This property is located off Route 621 near Radiant and contains 100.661 acres of land, zoned A-1. This request has been approved by the Virginia Department of Transportation.

Betty Grayson, Zoning Administrator, advised that no documentation has been received from the Culpeper Soil & Water Conservation District.

John “Butch” Davies was present on behalf of the applicant and advised this request is simply for the right to utilize the tower.

Rodney Lillard asked if there were any questions with regard to the site plan from the Madison County Planning Commission or the audience.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the site plan request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Abstain
Clark Powers	Aye

Case Number SU-03-08-16, which is a request by Verizon Wireless for an indefinite special use permit to collocate a wireless telecommunications facility including antennas, coax and related equipment on the existing tower owned by Community Wireless Structures, II, LLC on property owned by William W. Sanford. The existing 180’ monopole tower will be extended to a height of 195’ to locate the antennas at a centerline height of 195’ above ground level (AGL). A 12’ x 30’ equipment shelter with electric and telephone utilities within the existing 100’ x 50’ fenced compound. This property is located on Route 15 near Locust Dale and contains 297.264 acres of land, zoned A-1. (Pending the above special use permit for William W. Sanford to extend the existing monopole to 195 feet).

Steve Blaine of Verizon Wireless was present on behalf of the applicant; he stated there are also members of Verizon’s zoning team present to answer any questions; he also commented about the policy moving forward as his team has quite a bit of knowledge/experience with the Ordinance in place within Albemarle County and he feels the description of the aforementioned Ordinance is very accurate; however, he noted the Albemarle Ordinance not only places strong emphasis on placement of towers but also urges applicants to utilize existing structures in promotion of collocation. Additionally, he stated if an infrastructure is already in place, it would be most advantageous to make use of them.



Concerns were verbalized by Madison County Planning Commission members with regard to the power source.

Steve Blaine advised that each site will have a twenty-four hour power source by generator at each of the sites; he also advised there is a difference between use and a launch date as the facilities will have to be constructed and tested which may take several months; therefore, he advised the company is comfortable with proceeding forward with the conditions as outlined. Additionally, it is anticipated the tower will be in use within a one-year period although it may not be launched but must be tested first.

Steve Blaine also stated that contact was made with engineers today; the switching system is just being designed in Richmond which will take several months and will depend upon the location of the tower.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with conditions as attached, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Abstain
Clark Powers	Aye

Case Number SU-03-08-17, which is a request by Verizon Wireless for an indefinite special use permit to collocate a wireless telecommunications facility including antennas, coax and related equipment on the proposed tower to be owned by Community Wireless Structures, III, LLC on property owned by Robert Phillip or Joycelene H. Brockman. Verizon Wireless proposes to locate its antennas at a centerline height of 195' above ground level (AGL). A 12' x 30' equipment shelter along with the 60' x 80' fenced compound. This property is located off Route 621 near Radiant and contains 100.661 acres of land, zoned A-1. (Pending the above request for an indefinite special use permit and a site plan).

Steve Blaine was present on behalf of the applicant to answer any questions. He denoted this request will entail the same conditions as indicated in the previous case.

David Jones asked about Verizon's policy with regard to antennas and the public safety network.

Steve Blaine stated the engineers will have to coordinate the design and installation so the frequency doesn't interfere with the public safety network.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with conditions as attached, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Abstain
Clark Powers	Aye

Case Number SU-05-08-22, which is a request by Verizon Wireless for an indefinite special use permit to collocate a wireless telecommunications facility including antennas, coax, and related equipment on an existing tower owned by Crown Castle USA, Inc. on property owned by FFA Trustee Madison County Chapter & Trustees of Young Farmers of Madison County. The antennas will be located at a centerline height of 140' above ground level (AGL) on an existing 199' lattice tower. A 12' x 30' equipment shelter with electric and telephone utilities will be installed on the ground within the existing 100' x 150' fenced compound area. This property is located on Route 687 near Madison and contains 41.969 acres of land, zoned A-1.

Steve Blaine of Verizon Wireless was present on behalf of the applicant and stated the conditions in this case are about the same as denoted in the previous cases discussed earlier at tonight's meeting.

Bob Kane was present and asked whether the Madison County Planning Commission thinks a \$50,000.00 bond would be a "deal killer" on the part of the applicant; he verbalized concerns as a taxpayer that all this representation that technology and the scrap steel market never changes doesn't provide him much comfort. In closing, he asked if any of the Madison County Planning Commission members have researched whether wireless operators provide bonds within the State of Virginia or elsewhere for the deconstruction of a tower.

Rodney Lillard advised the aforementioned topic has been discussed at a previous meeting and it was identified that disassembling a tower is the responsibility of the landowner(s). He advised the applicant (FFA Trustees) fully understands the liability regarding this issue.

Steve Blaine stated the applicant has had experiences in localities in which a bond was required; however, Verizon recently prevailed on a case in Nelson County – he advised these infrastructures are a precious commodity and the trend is going to be additional research/development of wireless and it is felt this type of technology will not be unneeded.

In closing, Steve Blaine stated that a bond cannot be in place for an indefinite period of time and must expire – he feels the issue doesn't outweigh the benefits and costs associated with a bond.

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with conditions as attached,

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Nay
Clark Powers	Aye

Case Number SU-05-08-23, which is a request by Hunter Hall Weaver for an indefinite special use permit to allow Verizon Wireless to erect a 199' monopole style telecommunications tower, antennas, coax, and related equipment, including a 12' x 30' equipment shelter along with electric and telephone utilities, to be located on the ground within a 100' x 100' leased area. An 80' x 80' area will be fenced in. This property is located on Route 29 Southbound Lane near Shelby and contains 71.604 acres of land, zoned A-1.

Steve Blaine of Verizon Wireless was present on behalf of the applicant and stated this tower will be constructed by Verizon and a condition has been offered that would allow Madison County to attach to this particular tower for communications access.

David Jones asked about the coverage area.

Steve Blaine advised that some propagation analysis has been performed; however, he didn't have that information on hand at tonight's meeting; however, he did add that coverage reached beyond the Route 29 corridor but not all the way to Wolftown.

Rodney Lillard commented about the conditions that were established at the workshop session pertaining to this case.

Steve Blaine advised there were two (2) edits requested by the County Attorney and staff, (#2 and #16).

A concern was raised as to whether the energy being utilized at the site was solar, to which Steve Blaine advised was environmentally friendly ultra low sulfur deal.

Beth Pastore was present and commented about the tower and verbalized opposition for the proposed tower and feels that shorter towers are less visible and easily blends into the landscape.

Richard Hastings was present and commented on the scrap steel – he stated the cost for removing one of these towers will barely pay for the crane that will be needed.

Concerns were also verbalized about the 199' towers and about how many more towers will be needed in order to make telecommunications available due to the extensive range.

Steve Blaine advised that technology is a line of sight; therefore, the notion that antenna structures "will not be seen" isn't correct – he stated the towers must be located above the trees in order to project a signal. He also stated at the existing level, there will be fewer towers as a result of the height being requested. Additionally, he advised that predictability of the designed network is very important and the County has a policy in place today; however, he advised that Verizon is following the guidelines that have been established for the past several years. In closing, he advised that changing the guidelines at this time would be catastrophic as Verizon will be forced to change the existing design; changes to the existing method will affect the height of the towers as well as the ability to find willing landowners who are willing to negotiate additional leases; towers that have no interference offer better coverage such as the ones being proposed.

After discussion, Bob Miller motioned for the denial of the indefinite special use permit.

**\*MOTION FAILED DUE TO THE LACK OF A SECOND\***

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with conditions as attached and edited, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Nay
Clark Powers	Aye

Case Number SP-05-08-24, which is a request by Hunter Hall Weaver for a site plan to allow Verizon Wireless to construct a 199' monopole style telecommunications tower, antennas, coax, and related equipment, including a 12' x 30' equipment shelter along with electric and telephone utilities, to be located on the ground within a 100' x 100' leased area. An 80' x 80' area will be fenced in. This property is located on Route 29 Southbound Lane near Shelby and contains 71.604 acres of land, zoned A-1. (Pending the above request for an indefinite special use permit).

Steve Blaine was present on behalf of the applicant to answer any questions pertaining to the site plan being proposed.

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the site plan is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Abstain
Clark Powers	Aye

Case Number SU-05-08 25, which is a request by Verizon Wireless for an indefinite special use permit to collocate a wireless telecommunications facility, including antennas, coax, and related equipment on an existing tower owned by Global Signal Acquisitions, II, LLC on property owned by Jim Carpenter Co., Inc. The antennas

will be located at a centerline height of 156' above ground level (AGL) on an existing 199' lattice tower. A 12' x 30' equipment shelter along with electric and telephone utilities will be installed on the ground within the existing fenced compound area. This property is located on Route 29 Northbound Lane near Shelby and contains 20.828 acres of land, zoned A-1.

Steve Blaine was present on behalf of the applicant and advised this case has the same conditions as denoted in previous cases presented at tonight's meeting

Steve Blaine provided a brief overview of this particular tower and advised there was a neighbor that expressed concerns about the health and safety impact of the electromagnetic transmissions from this particular tower; he stated the emissions from this tower are more than 100x below the minimum threshold for safety levels. He stated that a consultant was sent out to conduct testing at 120 locations to measure the ambience of electromagnetic emissions and confirmed the aforementioned factor (i.e. regulations for threshold) – a letter was also submitted on May 12, 2008 from Millennium Engineering, Inc. to support the findings; additionally, all conditions denoted in the special use permit will require each antenna locator to provide a similar letter affirming compliance with health and safety regulations.

Bob Miller verbalized concerns as to when this tower was originally approved not to be lit but was subsequently lit; additionally, it is denoted that Verizon Wireless doesn't own the tower but will be installing additional equipment on the tower – therefore, he asked if Verizon Wireless will have any influence in getting the light removed since it's not necessary to be on the tower for safety purposes (an error). In closing, he advised there are citizens who are forced to look at that blinking light from many miles away which isn't necessary.

Steve Blaine advised that he can inquire; however, he stated he cannot promise that his client has any greater influence over the other carriers; however, he did agree the blinking light isn't necessary – the FFA has asked for an advisory determination whether lighting is required and will almost always be told "yes" – however, Verizon Wireless generally doesn't ask because it's not required; he stated this is nothing that is proposed on behalf of Verizon Wireless's equipment that requires lighting, therefore, an

inquiry will be made into how to have the lighting removed by the most reasonable efforts possible.

Jacki Eisenberg was present and stated when this particular case was brought back before the Madison County Planning Commission for a special use permit in the past, a requirement was denoted for the light to be removed.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with the conditions as attached and amended, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SP-06-08-31, which is a request by Rapidan Baptist Camp & Conference Center for a site plan to install a zip line for campers at the camp. This property is located on Route 621 near Rochelle and contains 133.620 acres of land, zoned A-1.

Wayne Leighan, Director, was present on behalf of the applicant to answer any questions.

Mr. Leighan stated the Camp intends to install a zip line that has a starting point of 35' above the ground well inside the property line.

Clark Powers asked for an overview of a zip line, to which Mr. Leighan advised is a cable strung between two (2) telephone poles that a child rides across.

After discussion, on motion of William L. Crigler, seconded by Clark Powers, the site plan request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-06-08-32, which is a request by the Board of Supervisors of Madison County for an indefinite special use permit to operate a firearm

range. This property is located on Route 662 near Shelby and contains 241.813 acres of land, zoned A-1.

Lisa Kelley, County Administrator, was present on the behalf of the applicant; she advised that as per the request of the Madison County Board of Supervisors, she initiated the request for the special use permit to authorize a law enforcement shooting range at the Madison County Transfer Station. She stated the shooting range was initiated for usage by County law enforcement officers with the understanding that; however, at a later date, the Central Virginia Regional Jail also invested some funding in the facility and began utilizing the range. Furthermore, the use of the range has expanded over the years to the extent that a number of agencies began utilizing the facility on a regular basis. About a year ago, a complaint was received from citizens about the noise coming from the facility; the Zoning Administrator and County Attorney were consulted and a determination was made to attain a special use permit for operations at the site.

In closing, materials were presented to the Madison County Planning Commission for the recommendation that a special use permit be granted subject to conditions as deemed appropriate in order to deal with issues regarding noise, traffic, and any other impacts that may be associated with the operation of the range.

Rodney Lillard asked about the expected hours of operation and when the site would be utilized.

Lisa Kelley, County Administrator, advised this issue differs depending on which agency will be at the site; she stated the Central Virginia Regional Jail would like to utilize the facility 2-3 times annually for a limited period of time in order to certify their entire staff – they have indicated the hours of 8:00 a.m. until 4:00 p.m.; the Madison County Sheriff's Department has a wider range of activities that are conducted at the facility – although there has not been any indication to begin activities before 8:00 a.m., the ending time might vary as they have a number of night shooting activities that would carry them later into the evening in order to perform "low light shooting" (i.e. between day-time and dusk). She stated depending on what time of the year the local law enforcement officers desire to conduct "low light shooting" might be as late at 10:00



p.m.; however, if this time is during daylight saving's time; conclusion of activities could be much earlier.

In closing, she stated when the range was established in the 1980's, the site was open only on the days the Madison Transfer Station was closed (Wednesday); however, over the years, the usage expanded and local law enforcement became use to having the facility available multiple times during the day.

Pete Elliott asked who will have keys to utilize the facility when the Madison Transfer is not operating.

Lisa Kelley, County Administrator, stated the Madison County Sheriff's Department has had a key over the past several years; she stated the current plan will call for County staff to manage the site and make arrangements for citizens who sign up for access – a planned administrative plan will be developed and will contain some restrictions on the number of agencies that can utilize the range as well as require appropriate arrangements to be made for access usage during authorized times.

Pete Elliott asked if the Madison County Sheriff's Department and the Central Virginia Regional Jail would be the main agencies utilizing the site.

Lisa Kelley, County Administrator, suggested the Sheriff address the issue whether a compromise will be made between what will be offered in the manner of availability for local law enforcement agencies with consideration for the complaint that was made by a local neighbor. She stated there was some contemplation made at the time of the application in that main usage at the site will be for local law enforcement and representatives from the Central Virginia Regional Jail. She also stated the draft policy contains language that if the special use permit is granted pending conditions attached (i.e. hours of operation, etc.), the Madison County Board of Supervisors would develop a property management policy to specify the additional details with regard to how many agencies could utilize the facility and during what time(s) (i.e. hours, days, etc.); this would establish that activities can only take place during the times/hours being permitted. In closing, she stated the draft property management policy contains language that referenced limiting usage to the Madison County Sheriff's Department, the Central Virginia Regional Jail as well as others who might be training along with these agencies (i.e. joint training exercise).

Lisa Kelley, County Administrator, stated that prior to the existing agreement, several agencies were permitted to utilize the range on their own – these activities were taking place on days in addition to the days the Madison County Sheriff's Department and/or Central Virginia Regional Jail were utilizing the facility; however, the draft agreement would correct the aforementioned manner in which operations were occurring in the past. She stated if the Madison County Planning Commission feels another type of condition is necessary, this can be recommended. She also stated the table that has been provided demonstrates an accurate establishment of the time the Central Virginia Regional Jail plans to utilize the facility, but feels it only represents the minimum the Madison County Sheriff's Department may intend to use the site.

Concerns were also raised with regard to noise levels.

Lisa Kelley, County Administrator, advised the documentation provided included localities that have an existing Noise Ordinance; therefore, those localities have a county-wide noise standard that is measured at the property line in a certain manner and decibel range for any noise related activities; she was unable to affirm whether the numbers collected by Madison County were measured in the same manner as what was contained in the Ordinances for other localities.

Concerns were also verbalized with regard to how much it would cost if local law enforcement representatives were sent out of town to be certified.

Lisa Kelly, County Administrator, advised the figure of \$4,200 was the figure provided by Erik Weaver, Sheriff, and stated this would be the amount listed in the department's upcoming budget if the range wasn't approved for a special use permit; these figures also covered staff time, travel, what type of equipment they would need, lead-free ammunition, spare firearms, etc., - she suggested the Sheriff provide further details regarding this assessment. In closing, she stated if the County doesn't continue to have a shooting range, there is a fairly substantial expense that will be incurred annually when all Sheriff's and Deputies are required to be re-certified.

Rodney Lillard asked Erik Weaver, Sheriff, if there were any further details that needed to be added.

Erik Weaver, Sheriff, concurred with the information provided by Lisa Kelley, County Administrator; he also provided details of recruitment with the Central

Virginia Regional Jail. He stated that lead ammunition can be used in Madison County; however, several other ranges require lead free-ammunition at their shooting ranges. He also stated that some ranges don't have adequate facilities; deputies have been utilizing other ranges on their day(s) off so there will not an extensive number of deputies out of the County at any given time. He also stated there are a few local organizations that utilize the range infrequently (i.e. rifle clubs, firearm safety course, retired law enforcement). Lastly, there will be about (5) days annually in which other entities (excluding law enforcement) utilize the facility.

Erik Weaver, Sheriff, stated the Sheriff's Department adjusted their night shooting schedule during this past fall (Luray, Virginia) – this activity began at 5:00 p.m. and was completed by 8:30 p.m. He also stated there was an issue in which the County cut timber around the Madison Transfer Station – this action removed the buffer and left nothing to drown the noise from the range. He advised that he was unsure as to what type of weapons were shot which resulted in the complaint, but will have to check on this.

Concerns were verbalized as to whether law enforcement in Greene County wanted to utilize the range in Madison County, would a reimbursement be in place for said usage.

Erik Weaver, Sheriff, stated the Greene County Sheriff's Department would be interested in funding the program; the Central Virginia Regional Jail is already a part of the County; however, he stated he would not feel comfortable about charging the local 4-H Chapter for using the site. He also stated the local law enforcement works a Monday-Tuesday shift, a Wednesday-Thursday shift and a Saturday-Sunday shift – this all depends on the hours court is in session. In closing, he advised the special response team generally goes to the range and shoots 1 time per week.

Mary Breeden asked if a schedule could be in place for review with regard to the anticipated hours of usage.

Erik Weaver, Sheriff, stated this would be difficult due to the hours of court operations which must come before time at the shooting range; he stated if court is scheduled on the same day as time at the shooting range during the month, law enforcement personnel miss the range day and must wait until the following month to be

re-certified. In closing, he advised that it would be very difficult to establish one day a week to utilize the range; also the canine officers utilize the range for training as do the Special Forces and practice felony stops. Additionally, when a new deputy is hired in Madison County, that individual must be certified before they can begin making any rounds.

Pete Elliott asked Erik Weaver, Sheriff, if he had reviewed the draft procedural document, to which he advised that he had but would like to draft some modifications to the document.

Erik Weaver, Sheriff, stated the following needed to be changed:

- 1) **Time frame**: Currently denotes 2:00 p.m. to 10:00 p.m. but will need to be change to indicate evening and night-time hours. He stated there is only one (1) certified firearms instructor in the Madison County Sheriff's Department, however, a local law enforcement officer is required to be present at all times with another agency at the range – this cannot always be accomplished;

Glenn Aylor, Superintendent at the Central Virginia Regional Jail, was present and provided a brief history of usage at the shooting range. He stated that he provided a draft of shooting range improvements to Steve Utz (former County Administrator), which could be done, however, it was noted there was a lack of finances and manpower to accomplish the upgrades; he stated the County provided some funding and the Central Virginia Regional Jail provided the rest – work was completed by Steve Utz, Robert Blankenbaker, Wes Smith and Glenn Aylor. He advised that all improvements were done in good faith and it was assumed that all proper channels had been taken. Furthermore, he stated the Central Virginia Regional Jail has (75) certified staff and it's difficult to get all those people to a shooting range at one time to be certified – there are rotating shifts in place and there are two (2) weeks set aside in the spring during which time shooting is done. He explained the reason for the two-week schedule and also stated a week is utilized in the fall for make-up time for those who couldn't take part during the spring. He stated once Madison County shut down the shooting range, Central Virginia Regional Jail personnel utilized the site at Orange County (by agreement) which required funding. He advised that Central Virginia Regional Jail personnel will probably utilize both sites and the budget will for the entity will include a

funding request as such. Additionally, he stated he knew of no complaints filed against Central Virginia Regional Jail personnel while utilizing the site. He also advised the only agency that would be requested to accompany Central Virginia Regional Jail personnel is the U.S. Marshalls Service to be qualified and certified.

Pete Elliott asked Glenn Aylor if he was familiar with the firearms safety policy, to which he advised that he was “very familiar” with the policy.

Mary Breeden asked Erik Weaver, Sheriff, if the department had designated anyone to be in charge of the range and training, to which he advised, was Lt. Donnie Michaels.

Debbie Berry of Shelby was present and stated that she had spoken with the local reporter regarding issues with the shooting range. She stated she has concerns about the noise at night and the extensive auxiliary staff that come in and train – she stated that Erik Weaver, Sheriff, told her (after several complaints) that he “could not control them” as they were not “his employees.” She thanked Ross Shifflett and James Arrington for rectifying the issues that she spoke to them about in a very timely manner. In closing, she advised the noise is very loud with the buffer zone being gone; however, there needs to be some restrictions in place.

Gene Smith was present and stated he brought up issues about the zoning of the shooting range because of the extensive noise, although it wasn’t bad a few years ago; however, at the present time the noise existed on a daily basis all year long – there were all types of weapons being fired from early in the a.m. until late at night and there was no reason for that firing range to be open more than a couple of weeks annually and should not be open for anyone outside of Madison County or the Central Virginia Regional Jail. In closing, he stated unless you are a resident within close proximity of the site, one wouldn’t believe the amount of noise – there needs to be some type of restrictions in place at the site.

Chris Largiader was present and advised that he lives just west of the Madison Transfer Station; he stated he understands the need for a shooting range which he has no problem with; however, he strongly objects to the indefinite special use permit as this is a very controversial subject and he feels the present permit should be limited to two (2) years after which time, the case should be revisited. Additionally, he feels there

were enough uncertainties in presentations made by Lisa Kelley, County Administrator, and Erik Weaver, Sheriff, to deter the approval of said permit. Additionally, he advised that a two-year limit would allow the County to determine whether restrictions are being followed and administered.

Geraldine Ficarra was present and stated that she enjoys shooting and feels the officers are entitled to practice; however, in listening to the conversations tonight, it appears the issues regarding noise had to do with the removal of the tree buffer; therefore, she feels rather than pay \$40,000.00 to have law enforcement personnel shoot in another County, it might be more feasible to build/plant some trees in order to alleviate the noise at the site rather than limit the days the facility can be operated.

Tom Pendleton was present and stated he can hear the shooting at the range from his home; he stated he has grandchildren who play outside while visiting and they inquire as to what that sound is which scares him; therefore, he is asking why the range has to operate five days per week – law enforcement need to utilize the range to qualify; however, there should be no others utilizing the range.

Bob Kane was present and stated that he is a very competitive shooter and hunter; he stated that noise is dangerous to anyone's hearing as it only takes a sound of about 70 decibels over a twenty-four hour period to cause the loss of a portion of hearing. He explained the number of decibels and the amount of hearing loss that is associated with noise levels; he verbalized concerns about the document that was presented on behalf of John Hunton which appears to be very incorrect with the contents. He also provided a document with various noise levels and decibel ratings. He also stated the numbers contained in the document are not concise and strongly urged the Madison County Planning Commission to table this request for thirty (30) days as what is done with this application will set the precedence as to what is done with any other range application in Madison County. In closing, he advised there is a statute in the State of Virginia that states "whatever restrictions that are made for a range application cannot be changed later." If the County doesn't do this right the first time, the citizens are stuck with the results.

Donnie Michaels of the Madison Sheriff's Department was present and provided an overview of the qualifications that are required to be a firearms instructor; he

also stated it was difficult for him to establish certain days to take departmental staff to qualify at the range as he has cases and other law enforcement personnel have days to work in court which must be covered. He stated the department can complete shooting by 8:00 p.m. during the winter months and early spring; however, during the rest of the year, the schedule isn't very flexible.

Cathy Pendleton was present and stated the firing at the range was very loud and this scares the young children and livestock. She asked if there was some way in which the actions could be monitored – the citizens do want well-prepared law enforcement personnel; however change should be investigated.

Jerry Butler was present and stated that planning was suggested during last fall to replant some cypress trees to replace the timber that was cut down – thus far, this hasn't been done. Additionally, he has attained estimates for this work; however, if those trees had been planted last fall, the cypress would have cut down on some of the sound. He also stated the sound test that was performed was dependent upon atmospheric conditions; therefore, an average must have been done over a long time period in order to determine what the sound level is. He questioned what is the sound level at this particular moment and had explained the process that was undertaken and the measurements that were taken (i.e. zero yards, 250 yards, 500 yards) when they approached the house area, no sound level was attained above the decibel reading for the cricket over-sound during that time of night that testing was performed. He believes if testing had been performed on a clear night and with better atmospheric conditions, he feels the readings would have been different. In closing, he feels the level measured also coincided with the traffic moving along the road. He stated if gun fire bothers an individual, it will probably be bothersome no matter what the level of noise is. Lastly, he strongly suggested trees be planted at the site immediately if the range is going to be used in the future.

Debbie Berry advised that she has no objection to changes being implemented as long as things are done right; she then focused on the road issues and asked what will be done to alleviate the dust and continued traffic should the range be reopened.

Gene Smith also raised questions as to why other localities don't allow lead ammunition at their sites; also it was questioned as to whether there was lead poisoning at the site in Madison County that might be getting into the local water – there are enough issues about the Madison Transfer Station without worrying about lead contamination.

Bob Kane stated he feels the incorrect noise meter was utilized in calibrating the levels at the site.

Rodney Lillard also asked about the issue with lead ammunition versus non-lead.

Jerry Butler stated he provided the County Administrator and Director of Facilities & Maintenance information on three (3) federal acts that cover hazardous waste materials. He stated if a range is actively being used, the lead is not a hazardous waste material, but described as a solid material under the conditions of the act; however, if the range is abandoned, the lead becomes an issue with one being a Resource & Recovery Act and the Clean Water Act. He further indicated the important point to consider is if lead shot and play target debris are discarded (abandoned) these materials are considered a solid waste as defined in the statute and the facility may be subject to lawsuits. Additionally, as long as the site is actively managed and recovered on a regular basis (5, 6, 7, 8 years) the site doesn't come under the aforementioned Acts.

Rodney Lillard asked if the lead at the site had been recovered on a regular basis, to which Jerry Butler stated that a recovery program hasn't been initiated as the EPA issued the regulations in 2005. He stated that most ranges now use lead-free ammunition and have built special bullet recovery traps and re-claimers come in to attain the lead at the facilities.

Pete Elliott asked if any recovery has ever been done at the site, to which Jerry Butler advised the site is a landfill and an active range. Additionally, when bullets are fired, they are not discarded as they are used for their intended purpose and do not fall under the aforementioned regulations unless the water becomes contaminated – then the Clean Water Act is activated.

Lisa Kelley, County Administrator, explained detailed information in the draft document that was presented on behalf of the County and denoted that law



enforcement entities (Madison County & Central Virginia Regional Jail) can allocate blocks of time during the year in order to accommodate training – this will allow them ample time to train in the case of emergency situations or the need to reschedule. She stated that although the County doesn't have a noise ordinance in place, the document addresses the issue of noise measurement by providing the requirement for regular measurements to be taken in an effort to monitor the noise level at the property line. In closing, she advised the County has been aware of the concerns verbalized for the local property owners (as noted by Ross Shifflett with regard to Mrs. Berry and Mr. Smith). She advised that she would be happy to talk with property owners, but feels the issues of noise, traffic, and the management of the facility to minimize the impact of the facility on the County and citizens is being taken into consideration.

David Jones provided an overview as the past hours of operations at the shooting range; he advised the only time night shooting was allowed was during daylight saving's time. He suggested that a week's notice be given to all the surrounding neighbors when shooting will be implemented during the night. He also suggested the Madison County Sheriff's Department and Central Virginia Regional Jail be allowed to utilize the facility and allow safety training to be done at least twice annually.

Rodney Lillard also stated that replacement of the buffer should be done in order to determine how this would lessen the noise.

Erik Weaver, Sheriff, asked who would be in charge of handling advance notification to use the shooting range (i.e. Ross Shifflett).

David Jones advised this individual would be whoever is in charge of the facility; he also stated that it will take some time to determine what guidelines will work and what changes may need to be made.

Bob Miller asked if conditions discussed tonight will be the maximum operation hours and if this policy will continue to be enforced in the future by other Boards, to which Chairman, Eddie Dean advised this policy will be adopted based on the recommendations by the County Administrator.

William L. Crigler asked the U.S. Marshalls will be included as an entity to utilize the range as earlier stated.

Chairman, Eddie Dean stated the aforementioned entity (and others as denoted) may be authorized to utilize the facility in conjunction with the Madison County Sheriff's Office.

Lisa Kelley, County Administrator, advised it might be best to add the U. S. Marshalls to the list of potential users; it appears the recommendations proposed by the Madison County Planning Commission will restore a level of uses that was originally in place before the activities ceased at the firing range; however, some guidelines denoting day/time of operations were added. In closing, she advised if it was determined in the future that some of the listed agencies need to come with one another until management of uses at the site are implemented.

Chairman, Eddie Dean stated the management plan should include having a formal agreement in effect with each of the entities denoted in the special use permit that allows usage.

Lisa Kelley, County Administrator, suggested the County look at what has been implemented by the Madison County Sheriff's Department and the Central Virginia Regional Jail in the past in order to comply with the liability waiver for other agencies – when the time comes where the County will need to develop a special policy in conjunction with the special use permit, a recommendation has been developed by risk management which can be incorporated into a policy that limits usage of the shooting range be exercised by law enforcement personnel only. She stated the County will need to determine what (if anything) can be done with respect to the entities that are not denoted as law enforcement activities and what can be incorporated into a policy that coincides with the liabilities as denoted by risk management.

In closing, Lisa Kelley, County Administrator, stated that something can be done in order to allow usage by those who are not law enforcement by way of a policy that will be satisfactory to the division of risk management.

James L. Arrington asked if there were guidelines that required limitations to be placed on a special use permit to be reviewed within a set amount of time.

V. R. Shackelford, III, County Attorney, stated the County's Ordinance provides for an indefinite permit, a five (5) year permit and a two (2) year permit.

James L. Arrington asked if the limitations were changed to two (2) years, would this bring about problems, to which the response was “no.”

Bob Kane was present and verbalized concerns about the following:

- 1) The County is making an application without adequate facts;
- 2) Errors are denoted in the testing that was implement by the County’s former Consultant;
- 3) The proposed management plan makes no reference to noise;
- 4) The information about Hanover & Stafford Counties isn’t accurate;
- 5) There is no concern for the neighbors who are present.

In closing, Bob Kane stated that noise does effect property values as for every 10 decibel increase of noise in the background level, property values decrease by four percent (4%). He also strongly suggested the Board take thirty (30) days to look at this request.

Gene Smith was present and suggested review of the special use permit be changed to every two (2) years instead of five (5) years; he stated his wife has a medical problem (fibromyalgia) which causes a lot of problems which is heightened by excessive noise(s). In closing, he stated this is why he is present; however, the noise at the shooting range has become very serious for his spouse; he has no problem with a firing range but usage needs to be more limited than it currently is. Additionally, he stated the management plan denoted cutting of the operational hours but the site will be available five days a week annually, which is too much – if the range is open, it will be utilized by somebody; therefore, if the site will be open five (5) days a week, please limit usage to five (5) to ten (10) days a month. He doesn’t feel the Board fully understands how much noise is created at the range. Additionally, there should be something implemented that indicates that all firing should be in the pit because a lot of firing has been done in the woods while shooters are moving around above ground (NINJA maneuver in the woods); there must be better supervision and control and users will push the limits.

Chris Largiader was present and commented on the motions by the Madison County Planning Commission with regard to the request being made by the Madison County Board of Supervisors (i.e. reopening of shooting range) – he also stated the request was for the range to be used by the local law enforcement and the Central

Virginia Regional Jail and eventually has included all the other parties (retired law enforcement, U. S. Marshalls, etc.); second, he questioned the memorandum dated May 29, 2008 (page 2) that was written by Lisa Kelly, County Administrator, that outlines “the maximum number of days [(69) for Madison County Sheriff’s Dept. and (15) for the Central Virginia Regional Jail], but no such limitation was denoted in the motion which allows operations for five (5) days per week for an unlimited number of weeks annually. In closing, he suggested the Board rethink the recommendations and hold off for thirty (30) days before taking action on tonight’s request.

Bob Miller verbalized concerns of the Madison County Sheriff and/or the Superintendent of the Central Virginia Regional Jail and asked what is the situation of shooting outside of the actual range and whether this action has been done by either of the entities or others to their knowledge. .

Glenn Aylor of the Central Virginia Regional Jail, advised there is to be no shooting outside of the pit, and strongly denied the previous statements that have been verbalized; he advised that U. S. Marshalls are always supervised by instructors from the Central Virginia Regional Jail and follows the County’s guidelines and nobody fires outside of the pit – shooting outside the pit violates DCJS regulations.

James L. Arrington suggested the review time on the special use permit be for two (2) years instead of five (5).

Bob Miller also advised that a two (2) year limitation appears to be more appropriate as it will require a shorter period of time before an assessment of the policy can be determined.

William L. Crigler asked if questions pertaining to the policy will be addressed as time progresses or tonight.

Lisa Kelley, County Administrator, commented on requirements established by the Madison County Planning Commission and suggested the guidelines further establish what the outer limits will be (i.e. keeping in mind what led to the current situation with lack of formal management of the site); additionally, through the usage of a policy, the County can manage the site at a level that is lower than what a special use permit might allow or adequately address. She further stated the property can also be managed through a policy established with something more restrictive in order to make

sure the County is maintaining control over the things that are bothering citizens. In closing, she advised the policy will provide some leeway in the future and allow for management of the site in a manner that will be satisfying to the neighbors and also allow for future adjustments to be made to the policy to accommodate the needs of the Madison County Sheriff's Department, etc. that can be accommodated with appropriate management of the property.

Bob Miller further discussed the significance as to how changes in the policy can be effective no matter how many weeks annually the site is utilized as allowed by the special use permit.

Chairman, Eddie Dean stated the policy will be approved by the acting Madison County Board of Supervisors prior to becoming effective; the Board is making the special use permit request and will maintain the control/supervision of this property through the County Administrator.

William L. Crigler asked if the current change will create a problem (i.e. limited to Madison County Sheriff & Central Virginia Regional Jail - limited usage by other entities).

V. R. Shackelford, III, County Attorney, advised that a special use permit allows for the change to conditions.

Chairman, Eddie Dean stated that a concern was made with regard to the condition that pertains to night shooting – to which Betty Grayson, Zoning Administrator, stated will cease no later than 8:30 a.m. during the time when daylight savings time is not in effect (November through March).

After discussion, on motion of Bob Miller, seconded by Clark Powers, the special use permit is approved for two (2) years with amended conditions as denoted with the following hours of operation:

A:	Monday	Closed
	Tuesday	8:00 a.m. to 6:00 p.m.
	Wednesday	8:00 a.m. to 6:00 p.m.
	Thursday	8:00 a.m. to 6:00 p.m.
	Friday	8:00 a.m. to 4:00 p.m.

Saturday - 8:00 a.m. to 4:00 p.m.

Sunday - Closed

The Fourth of July – Closed

Thanksgiving Thursday, Friday and Saturday - Closed

December 24<sup>th</sup> through January 2<sup>nd</sup> - Closed

- \* The only night shooting allowable will be during daylight savings time from November to March no more than twice per month during this period of time
- \* All shooting will cease no later than 8:30 p.m.
- \* A weeks notice will be given to all neighbors within 3,000 feet of the shooting range before any shooting takes place at the range

B: Users of the shooting range will be the following entities:

- a) Madison County Sheriff's Department
- b) Central Virginia Regional Jail
- c) Greene County Sheriff's Department (as deemed necessary by Madison County)
- d) National Guard Intelligence Center (for short notice conditions only);
- e) Safety & Educational classes (as taught by representative for National Rifle Assoc.)

f) Retired law enforcement personnel under the HR218.

g) U. S. Marshalls

C) The County will also implement the following:

- a) Immediately plant some type of trees (to serve as a buffer)
- b) Utilize chloride (or other chemical[s]) to control dust on the roadway to the range
- c) Initiate appropriate practices to remove any lead

with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

David Jones stated it will take some time to see what will work and what changes might need to be incorporated as time moves on.

A concern was verbalized as to why the range should be opened on Saturday.

David Jones stated the Madison Transfer Station is open on Saturdays and there is no court scheduled for that day of the week; therefore, this will allow the Sheriff (and other designated entities) to utilize the range.

Case Number S-06-08-34, which is a request by Portia K. Meares Estate for a subdivision plat to create a fifty-foot (50') right-of-way and a boundary adjustment on Tax Map 46-102 and 46-103 (both parcels are existing and owned by Portia K. Meares Estate). Both tax map numbers will use the proposed fifty-foot (50') right-of-way where the existing entrance is presently located. This property is located on Route 230 near Wolfstown, zoned A-1. The plat has approval from the Virginia Department of Transportation.

Bruce Parker, Surveyor, was present on behalf of the applicant; he stated the request involves two (2) properties that will utilize the same entrance by the fifty-foot (50') right-of-way.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the subdivision plat is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-06-08-35, which is a request by William Wallace Sanford for an indefinite special use permit to allow Virginia Broadband LLC to mount two (2) antennas to provide internet access to the local community on the existing telecommunications tower. This property is located on Route 15 near Locust Dale and contains 297.264 acres of land, zoned A-1.

Brad Truman of Virginia Broadband, LLC was present on behalf of the applicant; he provided a general overview of tonight's request and advised they are currently serving 179 customers in Madison County (which includes [3] employees and himself) and all appear to be well satisfied with the service being provided. In closing, he stated that Virginia Broadband LLC hopes to collocate on the tower and deliver services to other areas.

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the indefinite special use permit is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-06-08-36, which is a request by Verizon Wireless for an indefinite special use permit to collocate a wireless telecommunications facility, including antennas, coax and related equipment on an existing tower owned by Crown Cattle USA, Inc. on property owned by Raymond Lee Clore, Jr., and Mabel B. Clore. The antennas will be located at a centerline height of 150 feet (150') above ground level (AGL) on an existing 199 foot (199') lattice tower. A 12' x 30' equipment shelter with electric and telephone utilities will be installed on the ground within the existing fenced compound. This property is located on Route 29 Northbound Lane near Brightwood and contains 88.863 acres (two tracts of land), zoned A-1 and R-1.

Steve Blaine of Verizon Wireless was present on behalf of the applicant and advised the same conditions apply as previously indicated for other cases presented at tonight's meeting.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the indefinite special use permit is approved as recommended by the Madison County Planning Commission with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-06-08-37, which is a request by Georgia Arrington Booker, et. als. for an indefinite special use permit to allow Verizon Wireless to erect a 199' above ground level (AGL) monopole style communications tower along with antennas, coax and related equipment, including a 12' x 30' equipment shelter to be



located within a 100' x 100' leased area. The antennas will be mounted at a 100' x 100' leased area. The antennas will be mounted at a centerline height of 195' above ground level (AGL). This property is located on Routes 638 and 29 Southbound Lane near Bright wood and contains 21.000 acres of land, zoned A-1.

Steve Blaine of Verizon Wireless was present on behalf of the applicant and advised the only issue on this case related to the site plan is a comment made by the Virginia Department of Transportation that requires a commercial entrance – this information was just received from the Resident Engineer; however, this requirement has been waived in various other localities and although Verizon Wireless is prepared to make this change, it is deemed to be unnecessary for only about two (2) vehicles trips per month that will be made to the location on the gravel road on Route 638. In closing, he has asked that action be taken tonight on the special use permit and defer the site plan or approve it with conditions, at tonight's meeting.

David Jones made comments pertaining to the aforementioned case with regard to comments made at the previous workshop session – he advised this antenna will be within close proximity of an already existing tower (Clare property) and asked if the applicant would consider relocating this antenna about three (3) miles in the vicinity of the Catholic Church – this would improve drop-off and provide better coverage on Route 231 to Banco.

Steve Blaine advised the RF engineers indicated the need for two (2) new antenna facilities between the Bright wood facility and the existing facility located at Pratts, Virginia in order to prevent a loss of signal; therefore, a search area was initiated and a search ring is still required in Madison because a signal will not reach Bright wood from Pratts with just one antenna. Additionally, he advised there are ways to propagate these signals for predictability and although the search ring is on the southern end of the County, an additional location will be needed in the Town of Madison. In closing, he advised that Verizon Wireless isn't interested in building towers but would just like to provide service with the minimum number of towers, yet working within County policy with regard to limiting the height of structures; however, he also fully understands the points that have been verbalized by the engineers.

Beth Pasture was present and also commented about the proposed 199 foot towers and suggested a moratorium on said towers and those above that height until contacts can be made with other localities that have experience with wireless policies and the affect of cell and emergency communications. She also feels that more towers through negotiations with landowners isn't viewed to be entirely negative as more landowners benefit from the lease income and the County receives taxes on the equipment. In closing, she stressed the fact "who pays? – is the County with towers that are giant visions that pin cushion the County's landscape or the companies who are making a profit from the usage of the (se) towers."

Steve Blaine stated that he understands the concern with regard to the proposed statement and feels this is being verbalized as a means of making certain there is effective coverage; therefore, he feels the interests of the County and Verizon Wireless are aligned, although if this statement is suggesting the proposed tower be moved, it doesn't address other concerns that have been verbalized with regard to visual impacts. In closing, he stated that Verizon Wireless must rely on professional engineers to predict whether a specific design will work or not; if there is some conflicting scientific or technological evidence against what Verizon Wireless is proposing, this would be a valid basis for the proposed motion.

Rodney Lillard asked if there is any way that an 80 foot tower could be erected in the specified location in the event plans are already in place for a taller tower to be erected in the Town of Madison and still provide ample coverage.

Steve Blaine stated a redesign will need to be made and he also stated the location in question affords a site that is off of Route 29 (due to its height) and being 800 feet off the right-of-way. He stated when using lower towers, these need to be closer to the point of signal and multiple lower towers (depending on propagation analysis [i.e. probably (2) smaller towers] will be needed in order to effectively replace the taller tower that is being proposed at tonight's meeting.

Rodney Lillard stated the location being discussed during tonight's session hasn't been identified as being anything special with a visual benefit; he asked if this spot was identified as a view shed, one would suggest the spot be protected. In closing, he

stated that he relies on information being provided with regard to technology and what is needed (i.e. towers).

David Jones stated the tower would be a better fit located further south of Madison County as it would provide better coverage in the Robinson River Valley and will provide much better coverage to the citizens of Madison County, especially along the gateway.

Steve Blaine was present on behalf of the applicant and requested a thirty-day (30) deferral as a result of the recommendation by the Madison County Planning Commission to deny this case based on the proposed location for the tower; therefore, a review of the engineer's design and specifications will be reviewed; however, he feels the Commission is incorrect in requesting a reassessment as Verizon Wireless has worked very hard to gain the confidence of the Madison County Planning Commission. In closing, he stated that testing will be conducted in the field by simulating a signal and moving forward with a dry test and bring the findings forward to the Madison County Board of Supervisors for a future decision.

Case Number SU-05-08-29, which is a request by Good Hope Baptist Church for an indefinite special use permit to allow Cornerstone Christian School, formerly approved as Madison Christian School, to amend their current special use permit to operate additional hours each school day. This property is located on Routes 615 and 621 at Good Hope, zoned A-1.

John Higginbotham was present and provided drafts of a letter that was presented to the Board and read for all in attendance. All requirements have been met and approved by the Dwayne Dixon, Environmental Health Specialist of the Madison Health Department, Wes Smith, Building Official for Madison County, and by Anthony Hurlock of the Virginia Department of Transportation. Additionally, traffic will be less concentrated at 8:30 a.m. and 3:00 p.m. at the proposed location.

Bob Miller asked about the results of candid, honest feedback and how has it changed the application otherwise.

John Higginbotham stated the existing application hasn't changed; he stated there have been some very open discussions which provided the opportunity for everyone to get to know one another; however, he felt there was little compromise or

resolution as the neighbors felt a compromise would be to place a cap on the total number of students that could be enrolled; he advised the cap was going to be left up to the officials in charge of handling that decision. In closing, he informed the neighbors this decision would be made by the officials which still stands at eighty-eight (88).

Chairman, Eddie Dean opened the floor for comments and asked that a three-minute limit be made on comments; he also asked that only new ideas be presented tonight.

Christina Poticha was present and questioned the following concerns:

- 1) Is it ok to have the same special use permit in the event of a name change or
- 2) If status has changed from:
  - a) Non profit to business?
  - b) Business to corporation?
  - c) Will the same status permits be applicable?
  - d) Will the rules be the same in the event a sole proprietorship (restaurant) to master profit?

In closing, Christina Poticha also commented on rules/regulations that pertain to non-profit versus business which include: a) square footage per child; b) handicap facilities; c) medical and staff to assist children with medication(s); and d) where do children go if they are sick (contained environment). She stated the playground is in front of the roadway that cars travel 45 mph. Although there are efforts to have the speed limit reduced to 25 mph, if a child walked out into the road and was struck by a vehicle traveling 25 mph, he/she would be severely injured; if the school is talking about extending school hours, children would be there for twelve (12) hours a day – a child's time span is very limited and that would be an extremely long day to entertain a child in a play area that is only about 75 feet wide.

Jane Spivey was present and resides just below the Good Hope Baptist Church; she stated that she attended two (2) of the previous meetings and stated she is opposed to the proposed student enrollment and the increase in school hours; she stated the current occupancy during the first meeting was for (53) children and (51) fellowship (classroom) which Mr. Higginbotham stated actually meant "assembly room" and not "classroom." She advised a request has been made for the "fellowship hall" to be

changed to “classroom space” which is where (35) additional students will be added (to the (53) to make a grand total of (81) students. Additional concerns included the following:

- 1) The school is located in a very rural neighborhood with small roads and increased traffic;
- 2) The neighbors asked for a compromise with placing a cap on the number and also in the requested hours of 7:00 a.m. to 7:00 p.m.;
- 3) The Church previously approved hours of 7:15 a.m. to 6:00 p.m. and this was suggested by citizens to be included on the special use permit;
- 4) Current request for 7:00 a.m. to 7:00 p.m. will be for the entire year and not the school year;
- 5) Most who were present at the last meeting (with the exception of [2]) reside on a connecting road.

In closing, she feels the Board of Good Hope Baptist Church is making a decision that will not affect their neighborhood(s) and will feel the impact of the extended hours; she also suggested a limit of two (2) years be implemented with an agreement to review the application.

Mary Durham was present and advised that she resides in the neighborhood of the school but was not invited to any of the meetings; she stated she does not oppose the school as her grandchildren attended the school; however, she advised that she is opposed to the following:

- 1) Increased traffic;
- 2) Narrow roadways;

Additionally, she advised there are a number of people who walk along the roadway and due to the narrowness, it’s very difficult for large trailers to pass, and allow for the safety of walkers or other vehicles.

Priscilla Mills was present and advised that she attended the two (2) meetings hosted by the Good Hope Baptist Church and feels there will be no compromise; she asked (Madison Christian School) what their future plans were and was told:

- 1) They “want to grow” ;

- 2) They want to eventually have a separate building;
- 3) They want to include the 8<sup>th</sup> grade;
- 4) They want their hours to be 7:00 a.m. to 7:00 p.m. all year (to include daycare center)

In closing, she stated she is worried about where this is going and wanted to note that during the last supervisors meeting, the Madison County Planning Commission suggested a cap of 65 [student enrollment] be placed and she feels this idea got lost; therefore, she strongly urged that consideration be given to the citizens in the neighborhood.

George Sedner was present and stated that he travels the road frequently as he attends the Good Hope Baptist Church; he stated there has been an increase in traffic along the road since he started going to church there in 1972; he stated if one “fails to plan for the future, one plans to fail” – and educating young children in the Word of God is definitely planning for the future.

Pam Luthman was present and teaches second grade at the Madison Christian School; she expressed concern that citizens in the community would verbalize such concern for a Christian School to be in their neighborhood (unlike a bar) – she stated neighbors should be overjoyed there is a Christian School in Madison in which children have an alternative to attend.

Alan Spivey expressed that he was overjoyed there is a Christian School in Madison County; however, it’s just in the wrong location.

Larry Dodson was present and stated he was opposed over the location of the Madison Christian School and also for the extended hours – there are several school buses that already travel along the road and he feels there will be too much traffic on the narrow roadway. In closing, he feels if a lower cap was applied to the classes or omit the inclusion of an 8<sup>th</sup> grade class, this may be acceptable.

Donna Balderson was present and advised that she is a member of the Good Hope Baptist Church and a supporter of the Madison Christian School; she asked what the County’s past history has been in placing caps for church capacity (or schools) and whether this was based on square footage and questioned whether these types of decisions have been changed for any reason

Roland Sherrod was present and stated he did not have a problem with the school as it's good to have a Christian School in a neighborhood; however, the roads aren't adequate. He stated a representative from the Virginia Department of Transportation (as reported by the Madison Sheriff's Department) that the road doesn't qualify for a midline to place in the center of the roadway. He stated the private school in Orange County is very wide with a centerline and doesn't appear to be any wider than the roadway in Madison County. In closing, he suggested if the Board is planning to approve this request, then please request the Virginia Department of Transportation make improvements to enhance the road leading to the school.

Jenny Saunders was present and stated she has two (2) children who attend the Madison Christian School; she addressed the concerns regarding the playground and the safety of the children and advised the faculty takes good care of the children and make sure they are safe. Additionally, she felt the safety of the children isn't really an issue; she stated citizens know how to be safe when driving and only need to utilize good common sense; there is an increase in traffic just about everywhere and people just need to pay attention. In closing, she expressed concerns regarding comments made about the student enrollment cap because Christians truly believe they stand on the "Word of the Lord" and that is the firm foundation of the Madison Christian School; she believes this is good knowledge for one's entire life and the children are precious and are the future. She asked the Board to work with the school on this application and feels the children would be in the best care possible for the extended school-day hours.

Christina Poticha was present and advised that she works for the public school system and she "is a Christian.....believe it or not" – she stated she gets out of school at 2:30 p.m. and passed the Madison Christian School and saw a child next to the ditch – if she had been traveling in a truck, the child would have been killed. She advised that she spoke with an adult inside the fence about the incident.

David Atwood was present and advised that his daughter attends the Madison Christian School; he advised that he was in agreement with comments made by another citizen and "if you want to make God last, tell him your plans.....you can't put a cap on God" (in regard to the total student enrollment).

Chairman, Eddie Dean concluded the public comment session for this case.

Clark Powers questioned a conversation that John Higginbotham had with a representative from the Virginia Department of Transportation and asked about answers and reasons pertaining to widening the roadway.

John Higginbotham stated he spoke with Anthony Hurlock of the Virginia Department of Transportation and was advised when the Madison Christian School relocated, Jimmy Terrell was handling this area and he suggested the embankment be shaved back to increase the visibility and that a commercial entrance be implemented in order to satisfy requirements. Additionally, a written request is required in order to change the speed limit and add stripes – the neighbors also suggested a “school zone” sign be posted or a speed limit reduction be implemented. In closing, he advised the Virginia Department of Transportation is satisfied with the current structure of the location.

Anthony Hurlock of the Virginia Department of Transportation was present and stated there are concerns about the width of the roadway at the site and this will need to be handled by request of the County – what is currently on site does meet requirements as requested by the Virginia Department of Transportation.

Chairman, Eddie Dean stated the Board would have to include the roadway on the County’s Six Year Road Improvement Plan in order to have improvements made and there are currently projects listed on the plan that will not probably be completed until 2018; therefore, this roadway would be added to the bottom of the list. Additionally, some of the projects have been included in the plan since 2003 – he doesn’t feel there is much promise involved based on the significant reduction in transportation funding.

Bob Miller asked if request will be amended.

Betty Grayson, Zoning Administrator, commented that any changes to the old special use permit will be viewed as an amendment.

Chairman, Eddie Dean questioned if the Madison Christian School left the existing location, would another school be able to take up occupancy under the existing conditions and whether the name change will have any effect.



William L. Crigler questioned the extended hours and year-round operations.

John Higginbotham stated the facility currently has no plans to operate outside of the normal school year – he stated he had thought about a summer enrichment program in the future, although he didn't advise the neighbors of this fact.

James L. Arrington questioned the request for student enrollment to be at (88) students.

Lisa Kelley, County Administrator, advised if (88) is the total occupancy established by the County's Building Official, then a cap will not be needed as the number will already be set, however, if the County wishes to address traffic and limit occupancy to a number below the designated (88), that may be criteria for additional conditions, but no cap needs to be included in the number as it is already denoted.

William L. Crigler verbalized concerns with the fact the Good Hope Baptist Church previously authorized school hours to be from 7:15 a.m. until 6:00 p.m.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the indefinite special use permit request is approved as recommended by the Madison County Planning Commission with an amendment to the total student enrollment cap (originally 65) to (88) students, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Nay
Bob Miller	Nay
Clark Powers	Nay

**\*MOTION DEFEATED\***

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the Board voted to table Case Number SU-05-08-29 until 4:00 p.m. on Tuesday, June 10, 2008, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Nay
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

With no further action being required by the Board, on motion of Clark Powers, seconded by James L. Arrington, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: June 5, 2008